

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claims 1, 11, and 20 have been amended as shown above.

Claims 21 and 22 have been added.

Claims 1-22 are now pending in the application.

Reconsideration and full allowance of Claims 1-22 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 103

Claims 1-5, 8-15, and 18-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,410 to Thompson (“*Thompson*”) in view of U.S. Patent No. 6,275,825 to Kobayashi et al. (“*Kobayashi*”). Claims 6, 7, 16, and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Thompson* in view of *Kobayashi* and in further view of U.S. Patent No. 5,729,694 to Holzrichter et al. (“*Holzrichter*”). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima*

facie case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. (*In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993)). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure. (*MPEP* § 2142).

Claims 1, 11, and 20 have been amended to recite that communication interfaces with selected portions of company information are propagated to constituency nodes "in a manner that ensures compliance with one or more governmental disclosure requirements applicable to the companies associated with the company nodes."

Thompson is simply directed at a system for allowing contractors, subcontractors, and managers to purchase construction information and make bids for construction projects. (*See, e.g., Col. 1, Lines 17-38*). *Thompson* fails to disclose, teach, or suggest ensuring that company information is disclosed in a manner that ensures “compliance” with “one or more governmental disclosure requirements” that are “applicable to … companies” associated with company nodes.

Kobayashi is cited merely as allegedly showing that a company node is “operable to control when selected portions of company information in said data files are made available to said constituency nodes.” (*Office Action, Page 7, Last paragraph – Page 8, First paragraph*). *Kobayashi* does not disclose, teach, or suggest ensuring that company information is disclosed in a manner that ensures “compliance” with “one or more governmental disclosure requirements” that are “applicable to … companies” associated with company nodes.

For these reasons, Claims 1, 11, and 20 (and their dependent claims) are patentable over the proposed *Thompson-Kobayashi* combination. Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections and full allowance of Claims 1-20.

II. NEW CLAIMS

The Applicants have added new Claims 21 and 22. The Applicants respectfully submit that no new matter has been added. At a minimum, the Applicants respectfully submit that Claims 21 and 22 are patentable for one or more reasons discussed above. The Applicants respectfully request entry and full allowance of Claims 21 and 22.

DOCKET NO. OFFW01-00008
SERIAL NO. 09/694,425
PATENT

SUMMARY

The Applicants respectfully assert that all pending claims in this application are in condition for allowance and respectfully request full allowance of the claims.

If any outstanding issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@munckbutrus.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fee) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: April 5, 2007



William A. Munck
Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
Email: wmunck@munckbutrus.com